IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Con.Case(C).No. 638 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.5985/2007 Dated 01/03/2007
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PETITIONER/PETITIONER

C.D.CHACKO, AGED 45 YEARS,
S/O.DEVASIYA, CHELAKANDATHIL,
VELIMANAM P.O., PAYAM, KANNUR.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS/RESPONDENTS
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1. SMT.ISHITHA ROY, I.A.S.,
DISTRICT COLLECTOR, KANNUR.

2. SREEDHARAN P.
DIVISIONAL FOREST OFFICER, KANNUR.

3. RAJAN.K., RANGE OFFICER,
KOTTIYOOR RANGE, EDAYAR, KANNUR.

4. GANESH KUMAR, SUB INSPECTOR OF POLICE,
ARALAM POLICE STATION, KEEZHPALLY, KANNUR.

BY SR.GOVERNMENT PLEADER SRI.M.R.SABU

THIS CONTEMPT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (C) No.638 of 2007

Dated, this the 26th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

Alleging that the respondents in this contempt petition have disobeyed the orders and directions issued by this Court in W.P.(C) No.5985 of 2007 dated 1st March, 2007, the petitioner in the writ petition has filed this contempt petition. In the petition he requests us to initiate appropriate contempt proceedings against the respondents and punish them for their so called wilful disobedience of the orders and directions issued by this Court.

2. This Court while disposing of the writ petition had observed as under:

> "This is a petition for police protection. The petitioner wants to get police protection to collect cashew nuts. In spite of service of notice by special messenger, there is no appearance for the contesting respondents. Govt. Pleader submitted that as and when necessary, protection can be granted and at present there is no problem. In the absence of any prohibitory orders against the petitioner, the petitioner should be given protection as and when required. The petitioner and his workers should be given protection to collect cashew nuts. Whenever problem arises, the petitioner may request the local Sub Inspector of Police for granting protection.
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> The writ petition is disposed of with the above directions."

3. According to the petitioner, though he had lodged a complaint with the Sub Inspector of Police for granting protection, the Sub Inspector has not come to his rescue. Petitioner has further stated that he had also approached the District Collector, Kannur. Petitioner has produced two documents before us. The first one is the complaint lodged before the Sub Inspector of Police, Aralam and the second one is a complaint lodged before the District Collector,

Kannur. Petitioner has not stated as to whether those complaints have been received by the concerned respondents. In our opinion, before approaching this Court for appropriate relief, if for any reason the respondents do not comply with the orders and directions issued by this Court, the party has necessarily to approach the superior authorities and if they fail there also, then only they can request this Court to exercise its jurisdiction under Sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution. In that view of the matter, the contempt petition requires to be rejected and it is rejected. However, liberty is reserved to the petitioner to approach the superior authorities for implementing the orders and directions issued by this Court in the aforesaid writ petition.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns